

EXHIBITS

TO PLAINTIFF'S REPLY TO ESTATE AUCTION INC. OPPOSITION TO PLAINTIFF'S MOTION TO RECONSIDER

EXHIBIT # 1 EAI April 27, 2022 eBay sales receipt cut off on right side EAI000058-59.

EXHIBIT # 2A EAI Second eBay receipt was produced Nov. 16, 2022 as EAI000060
2B Mr. Duff's email Nov. 16, 2022 with eBay receipt as EAI000060

EXHIBIT # 3 EAI Third eBay receipt -Nov, 23, 2022 email code

EXHIBIT # 4 EAI no Visual Icons or Colors-Cut and Paste Text-EAI000065-66

EXHIBIT # 5 A Wilson Elser Process Server Affidavit Sept 1, 2022 -Georgia Lawsuit
B Affidavit of Wanda Buncamper—Phone Call —

EXHIBIT #6 A August 30, 2022 Georgia Summons Complaint wrong year —Jan 2022
B Oct. 31, 2022 Motion for Default Judgement -Mistake Nov. 5, 2022
C June 29, 2022 Proposed Order with Future Aug. 20 2023 and Sept 29, 2023

EXHIBIT # 7 Plaintiff's 1972 print and script signature & Girls Scout Sash with Badge.

EXHIBIT # 8 WorthPoint website photo of false "A.Trombetta" signature Pl. Evid 000163

EXHIBIT # 9 Red pencil dissimilar signature on the back of the 1972 oil painting

EXHIBIT # 10 Phone Transcript Norb Novocin 5 pages

EXHIBIT # 11 eBay Phone Call eBay 1972 oil painting "Undefined"

EXHIBIT # 12 Mr. Duff email to forward him the 2017 settlement offer-EAI00001-to 03

EXHIBIT # 13 Norb Novocin Sept 21, 2022 Deposition pages 72 to 77 with Depo Exhibit #4

EXHIBIT # 14 Nov. 16, 2022 email Anderson Duff RE the eBay receipt EAI000060

EXHIBIT # 15 Plaintiff Nov. 18, 2022 email to All Attorney regarding the eBay receipt.

EXHIBIT #16 A Bate Stamped EAI000063 Jan. 6, 2017 Email Meta Data to EAI

EXHIBIT #16B Bate Stamped EAI000073-74 alleged 1972 eBay EAI email Meta Data

EXHIBIT #17 Internet Expert Patrick O'Leary's Deposition p 132-136 on EAI000073-79

EXHIBIT #18 Deposition pages of Norb and Marie Novocin on Sept. 21, 2022.

EXHIBIT #19 Mr. Duff's Nov.23, 2022 Increased Attorney fees Electronic native email

Exhibit #15

Re: Email

Annamarie Trombetta <annamarietrombettalegal@outlook.com>

Fri 11/18/2022 2:39 PM

To: Anderson Duff <ajd@hoganduff.com>; Adam Bialek <adam.bialek@wilsonelser.com>; Farmer, Jana S. <Jana.Farmer@wilsonelser.com>; Haimson, Nicole <Nicole.Haimson@wilsonelser.com>

To All Parties,

On October 28, 2022 Plaintiff called for a Meet and Confer to conclude Discovery. Plaintiff notes to all parties that I addressed the incomplete eBay receipt for the 1972 Original Oil Painting Man With Red Umbrella to Mr. Duff. All the WorthPoint's attorneys were in attendance did not state that the Novocin eBay receipt was produced on the 28th. Aside from this none of the attorneys, particularly Mr. Bialek at any time and day --the 28th of October confirmed any production of the Novocin eBay receipt had been produced to Mr. Duff or Plaintiff.

Please Note that On October 29, 2022 Plaintiff sent to all the attorneys, pages 74 to 79 of the September 21, 2022 Deposition by Mr. Novocin who claims he keeps all his eBay emails. None of the attorneys sent me the Novocin eBay receipt dated Dec. 1, 2012.

In fact on October 31, 2022 Mr. Duff confirmed he would send me a complete copy of 1972 Original Oil Painting Man With Red Umbrella from his client when it became available.

There seems to be so many contradictions to your claim Mr. Bialek. Can you explain why --if the eBay receipt was produced on the 21st of September why you did not email the eBay receipt to Plaintiff before yesterday, November 17, 2022.

Submitted Nov. 18, 2022
Annamarie Trombetta

From: Anderson Duff <ajd@hoganduff.com>

Sent: Thursday, November 17, 2022 1:36 PM

To: Bialek, Adam <Adam.Bialek@wilsonelser.com>; Annamarie Trombetta <annamarietrombettalegal@outlook.com>; Annamarie Trombetta <atrombettaart@gmail.com>; ajd@andersonjduff.com <ajd@andersonjduff.com>

Cc: Farmer, Jana S. <Jana.Farmer@wilsonelser.com>; Haimson, Nicole

EAI000063

EXHIBIT #16A

Delivered-To: estateauctionsinc@gmail.com

Received: by 10.129.132.80 with SMTP id u77csp943329ywf;

Fri, 6 Jan 2017 12:20:45 -0800 (PST)

X-Received: by 10.237.42.225 with SMTP id t88mr68332468qtd.139.1483734045429;

Fri, 06 Jan 2017 12:20:45 -0800 (PST)

Return-Path: <seriouscollector@mail.com>

Received: from mout.gmx.com (mout.gmx.com. [74.208.4.201])

by mx.google.com with ESMTPS id s65si35398460qkc.110.2017.01.06.12.20.44

for <estateauctionsinc@gmail.com>

(version=TLS1_2 cipher=ECDHE-RSA-AES128-GCM-SHA256 bits=128/128);

Fri, 06 Jan 2017 12:20:45 -0800 (PST)

Received-SPF: pass (google.com: domain of seriouscollector@mail.com designates 74.208.4.201 as permitted sender) client-ip=74.208.4.201;

Authentication-Results: mx.google.com;

spf=pass (google.com: domain of seriouscollector@mail.com designates 74.208.4.201 as permitted sender) smtp.mailfrom=seriouscollector@mail.com

Received: from [100.2.90.249] by 3capp-mailcom-lxa08.server.lan (via HTTP); Fri, 6 Jan 2017 21:20:44 +0100

MIME-Version: 1.0

Message-ID:

<trinity-16fed8a4-258d-4ff9-8976-ff1660c842c3-1483734044008@3capp-mailcom-lxa08>

From: Teri Meissner <seriouscollector@mail.com>

To: eBay@estateauctionsinc.com

Cc: estateauctionsinc@gmail.com

Subject: Attention Marie Novocin

Record of Sale for Oil Painting

Content-Type: multipart/mixed; boundary=rehcsedm-602bea88-9a63-44d3-9af8-282f0c05424a

Date: Fri, 6 Jan 2017 21:20:44 +0100

Importance: normal

Sensitivity: Normal

X-Priority: 3

X-Provags-ID: V03:K0:uSVGXSYMnLSrrpwbIS4ZUFmf6Kc3RGnUR+l3qU3mINJ

A1lvsAu7zFYVWp2IKZGhCwwUSERGjj29/Q7EcND3/8CQqeqUTp

V+GID95s0dkGo4ttJkXGgSjaAw/EMTXvL5Zc3OHJNUaXazHhQ/

A8b44GxjRRQXS8wx76N5KWqk9YbMypaKAA+/XZ9JIAPHgaBhYF

AZ09mcE+jagy3uxdU09MGPr1Vq1z8vdLkOoYe4po7Fz+D7vn2v

JcCa9FEBkb+0E3jcHzd7Ytz37qBNecmNLQLRTaqGfbrpZBQd9m

qoRGbRN7hJG18HhY6Za2d9SBAei

X-UI-Out-Filterresults: notjunk:1;V01:K0:0YJFjxRZv1s=:3Vie8qhb6iZS6K0xsX8qwl

zYLfwJVWzCrsDxAQd+bQb2txg2ztJ2kG0XReqnww02Zj2SBd003pd7EVqVjm+z372XVuKLM11

QHC5aGqBOii1eQlBedg7CKnhVj7Tp6qFSIW5lhyMGn+Xdec3KuCJfDaP5yHSB9FCSfTh+MY4p

HnC+SimSmTRAC9jwd2/yRwOUYWUKf7cUGpzYU6r+rzpSC9LfY3UZFj1EwUD7n4Xvu0aGOJhJ0

0xMNJt7UCakyqvAZOBTyRr2xVE+yupgWRofjSfSyFy0fOfihLxqA/9vl1a/gO+/KwYjn5LOF

rUIGoBJz407YmhUt8Ojmd5dyFCP34x3hdD7eF407kp/dn7WYY=

--rehcsedm-602bea88-9a63-44d3-9af8-282f0c05424a

EXHIBIT # 16B(1)

Date: Tue, 10 Jan 2017 18:28:43 -0400
Subject: Fwd: Your eBay item sold! 1972 Original Oil Painting Man With Umbrella Signed Annamarie Trombetta yqz (330833102936)
From: eBay EAI <ebay@novocin.com>
To: Norb Novocin <norb@novocin.com>, marie novocin <mombaree@gmail.com>
Message-ID: <CALKoPL433C9xXwJ0WZpXwn-4UZVXa=hvafEWq3oDxQKfNrR2ug@mail
Thread-Topic: Your eBay item sold! 1972 Original Oil Painting Man With Umbrella Signed Annamarie Trombetta yqz (330833102936)
Thread-Index: AU1pMjQwkqX6qfiN3bMXxD06g9CD6GdEPVhD
Mime-version: 1.0
Content-type: multipart/alternative;
boundary="B_3739174330_4019078869"

> This message is in MIME format. Since your mail reader does not understand this format, some or all of this message may not be legible.

--B_3739174330_4019078869
Content-type: text/plain;
charset="UTF-8"
Content-transfer-encoding: quoted-printable

----- Forwarded message -----

From: eBay <ebay@ebay.com>
Date: Sat, Dec 1, 2012 at 9:54 PM
Subject: Your eBay item sold! 1972 Original Oil Painting Man With Red Umbrella Signed Annamarie Trombetta yqz (330833102936)
To: ebay@novocin.com

eBay sent this message to Norb & Marie Novocin (estateauctionsinc). Your registered name is included to show this message originated from Learn more.

Congratulations, your item sold!

Dear estateauctionsinc,

You did it! Your item sold. Please ship this item to the buyer after the buyer pays. As soon as your buyer pays, print your eBay shipping label. Complete one of the following:

Print a shipping label. Avoid a trip to the post office, print and pay for our label at home. Printing shipping labels on eBay also offers you more pricing on some shipping services, and when you print shipping labels on eBay, your tracking information is uploaded automatically.

Provide shipping and tracking information. When you upload tracking information to eBay, we'll send it to your buyer and let them know the item is on its way. This will save you time, and may result in fewer questions from

EXHIBIT # 16B (2)

rs and higher detailed seller ratings.

Mark your item as shipped in My eBay. Do this, and we'll let your buyer know the item is on its way. This will save you time, and may result in fewer questions from buyers and higher detailed seller ratings.

You should always leave feedback for your buyer to encourage them to come back to you again.

1972 Original Oil Painting Man With Red Umbrella Signed Annamarie Trovati yqz

Sale price:\$181.50

Quantity sold:1

Sale date:Dec-01-12 18:54:01 PST

Buyer:nina correia

9naclock (ninascorreia@aol.com) [contact buyer]

Buyer's shipping address:

nina correia

14215 prairie flower ct

reno, NV 89511-6710 United States

Sell another Item | Send invoice to buyer

Provide shipping information

Select your email preferences

Want to reduce your inbox email volume? Receive this email as a daily digest.

For other email digest options, go to Notification Preferences in My eBay.

Don't want to receive this email? Unsubscribe from this email.

Email reference id: [#45d0df16f2ea40759d3656f834970b06#]

Please don't remove this number. eBay customer support may ask you for this number, if you should need assistance.

Learn More to protect yourself from spoof (fake) emails.

eBay sent this email to you at ebay@novocin.com about your account reactivation on www.ebay.com.

eBay sends these emails based on the preferences you set for your account. To unsubscribe from this email, change your communication preferences in My eBay. Please note that it may take up to 10 days to process your request. Visit our Privacy Policy and User Agreement if you have any questions.

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EXHIBIT # 17A

Page 132

[REDACTED]
P. O'LEARY
[REDACTED]

1
2 science. How do you have one painting,
3 three emails?

4 Obviously, there's something
5 nefarious going on here. You don't have to
6 be an art expert to know there's something
7 nefarious going on here.

8 Because this is an email --
9 this is my area of expertise when we get
10 into SMTP, Henderson protocols, and HTML.

11 All the stuff I've done for the
12 last 35 years directly pertains to what we
13 have here, the email, the SMTP headers, the
14 HTML, and how it formulates, taking that
15 information, being able to put it into two
16 files on the web server, so people could
17 see it, and they can quickly realize there
18 were games going on here.

19 There was so much
20 [REDACTED]
21 misinformation going on, it was kind of
22 [REDACTED]
23 crazy.

24 Q. To sum up, you received three
25 different versions of an email from Estate
Auctions, Inc., and you received one
version from Mr. Bialek, correct?

EXHIBIT # 17 B

Page 133

[REDACTED]

P. O'LEARY

[REDACTED]

1
2 A. I believe -- yes, that's
3 correct.

4 Q. Mr. Bialek did not provide you
5 with three different versions, did he?

6 A. He provided that one at the
7 time they were having the conference.

8 Q. And again, he said that he
9 was -- this was being sent as a courtesy.

10 And that's his language, right;
11 not yours or Ms. Trombetta?

12 A. That's not for me -- that was
13 for him and Ms. Trombetta. That was not my
14 job to determine please and thank you's; my
15 job was to look at the --

16 Q. Okay. Were you at the court
17 conference we were referencing, the
18 November 23 --

19 A. No.

20 Q. As you sit here today, are you
21 claiming that painting was definitively not
22 sold on eBay?

23 A. It's up in the air because we
24 can't get it -- we can't get a straight --
25 okay, we can't get a straight answer from
[REDACTED]

EXHIBIT 17# 17c

Page 134

P. O'LEARY

them.

I'm glad you brought that up.

We actually -- there is one other thing. Estate Auctions, Inc. turned over another file, okay, that was white letters on black background.

Now, in all my years of doing this stuff, okay, there would have been no reason to turn over a document that was completely cut off.

If you look at this thing -- it's EAI75 -- excuse me, 74. Hang on a second. 73 through 78 and 79.

So you got this document that Estate Auctions, Inc. turned over, that was an attempt at the SMTP protocol headers, but it's all cut off on one side. Then when you scroll down all the way to the bottom, to the last portion of it, it's incomplete. I mean, it's cut off at the bottom where you don't have the rest of the protocol data, the components that complete the SMTP protocol format.

And I put that in the report,

EXHIBIT # 217 D

Page 135

[REDACTED]
P. O'LEARY
[REDACTED]

1
2 okay -- hang on, wait for it, wait for it,
3 okay -- a simple mail transfer protocol,
4 SMTP overview.

5 So here's an example where I
6 took a very complicated protocol and I
7 boiled it down to one page, so that
8 nontechnical lawyers could understand it.
9 And jurors, if this affidavit was given to
10 the jurors.

11 This one document takes stuff
12 that would -- is very complicated and very
13 detailed and -- forgive me, I'm not trying
14 to offend anybody, okay? And I don't mean
15 this in a condescending way, but it dumbs
16 it down, simplifies it.

17 Maybe I should use that word,
18 "simplifies it," so that people can look at
19 this and say, "Okay, these are the
20 components that make up the protocol. And
21 here's the header," which we call the
22 envelope, "here's the ASCII text, here's
23 the HTML, this is the protocol body."

24 So Estate Auctions, Inc. and
25 EAI70 -- the numbers I just gave you --
[REDACTED]

~~EXHIBIT #217~~

E

Page 136

1 P. O'LEARY

2 they turn over this white letters on black
3 background, and the whole left side is cut
4 off and the bottom of the document is not
5 complete. So it's like, you know, what's
6 up with that; what kind of games are being
7 played there?

8 And yet, we have that version
9 in the mix here.

10 Q. So when you said in your report
11 that "something nefarious is obviously
12 going on here by the Defendants," what
13 you're referring to is the multiple
14 versions of the email, correct?

15 A. Yeah. You can't produce one
16 copy of the silly email.

17 Q. Yes?

18 A. Yes.

19 Q. Anything else that you are
20 referring to as "something nefarious is
21 obviously going on"?

22 A. For some reason they can't
23 delete a URL, which should take minutes to
24 hours to delete. — Worth Point

25 Q. Have you determined the reason,

EXHIBIT # 18

MARIE NOVOCIN

DEPOSITION

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Plaintiff's Evidence 000332

ANNAMARIE TROMETTA,

Plaintiff,

v.

NORB NOVOCIN, MARIE NOVOCIN,
ESTATE AUCTIONS, INC., WORTHPOINT
CORPORATION, WORTHPOINT.COM, and
JASON PECKER,

Defendants.

Case No. 18-cv-0993-RA-SLC

**DECLARATION OF MARIE NOVOCIN IN SUPPORT OF DEFENDANTS' MOTION
FOR AN ORDER REQUIRING PLAINTIFF TO POST A BOND**

I, Marie Novocin, declare as follows:

1. Together with my husband and co-defendant in this case, Norb Novocin, I owned and operated Estate Auctions, Inc. from April 23, 2012 until 2019.

2. Estate Auctions curated a wide array of art and similar items that it sold through an online storefront on eBay.

3. In 2012, Estate Auctions listed a painting on its eBay storefront that my husband Norb personally inspected. The painting was signed on the front by "A. Trombetta" and featured an inscription reading "Annamarie Trombetta 'Gifted' 1997, 'Painted' 1972" in red along its back stretcher (the "Painting").

4. As was our typical practice, my husband Norb conducted research to identify the artist who signed the Painting using online research tools designed for that purpose such as *AskArt.com*.

EXHIBIT # 14

Page 41

1 Marie N. NOVOCIN
2 spoke to.

3 Q. So let me ask you this. To
4 switch the subject and then revert back.
5 What is the name of the signature in red on
6 Man With A Red Umbrella?

7 A. I don't know. What is it? You
8 have pictures of it somewhere.

9 Q. Did you ever look at those
10 pictures of the signature in red?

11 A. I have.

12 Q. So to the best of your
13 recollection, what is the name of the
14 signature?

15 A. This is something very close to
16 your name.

17 Q. How close is close? It seems
18 that it's a very straight forward question.
19 To the best of your recollection, what is
20 the name of the back of the 1972 painting,
21 Man With A Red Umbrella?

22 A. The reason I haven't answered
23 it indirectly, because I don't exactly
24 remember the name on there. I don't have
25 the picture of it in front of me with it

EXHIBIT #14

Page 42

Mark M. NOVOCIN

1

2

on. Something like -- I don't know,

3

Annemaria, Annamaria. I don't know.

4

Q. Do you recall the name on the
biography of askArt?

5

6

A. Annamarie Trombetta.

7

8

Q. Do you recall the name of the
artist's biography on askArt?

9

10

A. We use the biography or Norb
did, Annamarie Trombetta.

11

12

Q. So in the biography, you know
it was Annamarie Trombetta, but in the back
of the painting in red, the signature, you
are not sure of the name?

13

14

15

A. As I mentioned, I did not see
the painting when it was in our possession.

16

17

Q. Well, when you say our
possession, were you ever in the room with
it? Do you recollect what it looks like?

18

19

20

A. No. Only in photographs. At
that point I had been released of my duties
to try to be a better home schooled mother
and I wasn't in the office then.

21

22

23

24

Q. But at the beginning of the
deposition you did say that you took

25

~~EXHIBIT # 14~~

Page 43

M. NOVOCIN

photographs. Did you take photographs of this painting?

A. No.

Q. Do you know who took photographs of this painting?

A. I believe it was Michael Miller.

Q. Can you describe further who Michael Miller is or was?

A. He is somebody that somebody else that we had working with us. I think he knew Mike and knew that Mike needed an opportunity and brought him to our place and we put him to work for just a short time, a few months.

Q. So he was an employee of yours in 2012 when you were in possession of this painting?

A. Right.

Q. To the best of your recollection, how long did he work for you?

A. Just a few months. I don't remember exactly when he came in, but I know that I took him to the airport and the

EXHIBIT # 12B

N. NOVOCIN

A. Estate Auctions LLC started on April 23, 2012 and ran through July of 2013.

Q. July of 2013?

A. So it was -- so Estate Auctions was only in existence for one year before we started a different company and started operating with that company name. We let Estate Auctions, Inc. go defunct. We didn't do anything to end it. We just let it go defunct and Estate Auctions only had from April to July, April 2012 to July 2013, correct.

Q. That was the time period for the sale?

A. Correct.

Q. I needed to clarify that. Again, at no time there was insurance with your business?

A. That is correct.

Q. With any of the three different Estate Auctions, Inc., there was never any insurance?

A. Correct.

EXHIBIT #14

Page 44

Marie M. NOVOCIN

late winter, early spring of 2013.

Q. So he definitely, Mike Miller is the photographer for this painting?

A. Right.

Q. You don't remember what it looked like?

A. As I have mentioned, I did not have anything to do with the painting when it was in our possession.

Q. I'm going to get back to the declaration that's currently up.

MR. DUFF: There's no declaration up.

MS. TROMBETTA: Plaintiff's document 000336. We were referring to it earlier.

MS. FARMER: That's Exhibit 2 of Marie Novocin's deposition of today's date.

Q. The first statement is, "Together with my husband and co-defendant in this case, Norb Novocin, I owned and operated Estate Auctions, Inc. From April 23, 2012 until 2019". Is that a correct

Marie - 2 Phone Numbers For Plaintiff

Page 46

1 M. NOVOCIN
2 sorry.

3 A. We started as a new entity on
4 January 11, 2019.

5 Q. What new entity would that be?

6 A. YQZ Inc.

7 Q. To move to number 4 and we are
8 finished with this page. Can you read
9 number 4?

10 A. I can.

11 Q. Can you please read it?

12 A. "The phone number provided was
13 (212) 427-4490, which according to multiple
14 filings in this case is plaintiff's phone
15 number".

16 Q. Again, you are stating that
17 Teri Meissner provided a phone number at
18 (212) 427-5990?

19 A. That's correct.

20 MS. TROMBETTA: I just want to
21 clarify that. If I may, Miss Farmer,
22 I guess it would be evidence number
23 3.

24 MS. FARMER: We don't have the
25 authority to admit documents into

Marie 2 Different Years for Gifted

Page 48

1 Painted 1972 in red along its back
2 stretcher".

1997
and 1977

3 Q. Was it gifted in 1997?

4 A. That might be a typo.

5 Q. For all intensive purposes,
6 this was a mistake on a declaration. 1997
7 is not the year it was gifted; is that
8 correct?
9

10 A. I believe you are correct about
11 that.

12 Q. Do you know when it was gifted?
13 Do you recall the year it was gifted?

14 A. 1977.

15 Q. Do you agree that the
16 inscription reading Annamaria Trombetta in
17 red along its back stretcher was on the
18 painting?

19 A. It's very close to Annamarie
20 Trombetta.

21 Q. This lawsuit is because it
22 wasn't close enough, in fact, it wasn't me
23 at all.

24 MR. DUFF: Objection.

25 MS. TROMBETTA: You can object

Marie

M. NOVOCIN

MR. BIALEK: Join.

A. I said already I had nothing to do with this painting, as in our profession.

Q. But yet you declared in June and July of 2020 certain statements confirming that your husband gleaned the biography from askArt? Yes or no.

MR. DUFF: Objection.

Q. Did your husband glean from askArt my biography?

A. Haven't you already asked him that?

MR. DUFF: Objection. Asked and answered.

Q. I am repeating for the very last time.

* Marie Novocin Adil

A. This is like talking to you and that phone call where you demanded to know the buyer's name.

Q. So then you admit it was me who you spoke to in the phone call; is that correct?

MR. BIALEK: You were

EXHIBIT # 18

NORB NOVOCIN

DEPOSITION

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANNAMARIE TROMETTA,

Plaintiff,

v.

NORB NOVOCIN, MARIE NOVOCIN,
ESTATE AUCTIONS, INC., WORTHPOINT
CORPORATION, WORTHPOINT.COM, and
JASON PECKER,

Defendants.

Case No. 18-cv-0993-RA-SLC

**DECLARATION OF NORB NOVOCIN IN SUPPORT OF DEFENDANTS' MOTION
FOR AN ORDER REQUIRING PLAINTIFF TO POST A BOND**

I, Norb Novocin, declare as follows:

1. Together with my wife and co-defendant in this case, Marie Novocin, I owned and operated Estate Auctions, Inc. from April 23, 2012 until 2019.
2. Estate Auctions curated a wide array of art and similar items that it sold through an online storefront on eBay.
3. In 2012, Estate Auctions listed a painting on its eBay storefront that I personally inspected. The painting was signed on the front by "A. Trombetta" and featured an inscription reading "Annamarie Trombetta 'Gifted' 1997, 'Painted' 1972" in red along its back stretcher (the "Painting").
4. As was our typical practice, I conducted research to identify the artist who signed the Painting using online research tools designed for that purpose such as *AskArt.com*.
5. When researching the Painting, I found only one artist whose name matched "A. Trombetta" and that artist was the Plaintiff, Annamarie Trombetta. Because "Annamarie

1 N. NOVOCIN

2 A. Right.

3 Q. Other than looking up this name
4 on askART, did you do any further research
5 into Annamarie Trombetta, perhaps another
6 website?

7 A. No.

8 Q. Did you contact any artists in
9 regard to that painting?

10 A. No.

11 Q. Was it your practice to ever
12 contact artists in regard to any of the
13 paintings that you may have sold?

14 A. Yes.

15 Q. Why did you not contact any
16 artists in regard to this painting?

17 A. There wasn't a need to. There
18 was no secondary market. I couldn't find
19 it anywhere on there. I had a biography on
20 it. That's all the more I saw a need for
21 doing it at this point.

22 Q. Did you ever see the website of
23 artist Annamarie Trombetta?

24 A. To this day I have never been
25 to that website.

1 N. NOVOCIN

2 Q. You mentioned that there was a
3 biography of Miss Trombetta on askART. At
4 the time that you are doing this research,
5 that's somewhere in late 2012, correct?

6 A. Correct.

7 Q. Do you recall whether or not
8 you copied the entirety of the biography on
9 askART to include any listing or something
10 else?

11 A. It happened entirely there.

12 Q. Did you edit the biography in
13 any way, shape or form?

14 A. No.

15 Q. In this listing, did you say
16 that the biography was obtained from
17 askART?

18 A. Yes.

19 Q. Earlier in the deposition you
20 mentioned that if askART refers to a
21 different source, you might also refer to
22 the source that askART refers to. So my
23 question to you is, do you recall, did
24 askART give a source of where they may have
25 received the biography from?

1 N. NOVOCIN

2 A. Yes.

3 Q. What did they say?

4 A. They said they obtained it
5 directly off of the artist's website.

6 Q. Did you also include that as
7 part of the listing?

8 A. Yes.

9 Q. You mentioned that since you
10 personally did not go on the website, I
11 assume you did not verify that was correct
12 what askART said, correct?

13 A. Correct.

14 Q. Do you know if anybody else at
15 Estate Auctions went on Annamarie
16 Trombetta's website, if there was any, I'm
17 not saying there was or wasn't, to check if
18 the biography on the website matched the
19 one on askART?

20 A. No one here would have.

21 Q. Besides trying to determine the
22 artist for the artwork, are any additional
23 criteria, if any, that you would look for
24 in order to compose a listing for Ebay?

25 A. When I compose a listing for

1 N. NOVOCIN

2 Ebay, I do what I call finding a hook to
3 hang my hat on. What story am I going to
4 tell that's allows people to dig deeper
5 into their wallet to spend more money. I
6 have to make it interesting to people.
7 People don't buy something with just a
8 straight fact. In this case, when I looked
9 on askART and there was no samples of other
10 paintings there, I went out and found an
11 artist that had value that I can refer it
12 to, which is what I did within the listing.
13 I did that prior to the biography. The
14 biography is almost always added at the end
15 of the listing as, here's the biography of
16 the artist. So before that, I actually did
17 that. So I'm looking for something to hang
18 my hat on that will bring value to
19 something.

20 Q. Since there was no listings
21 with Annamarie Trombetta on askART, what
22 was your view as far as value of mentioning
23 Annamarie Trombetta's name as part of the
24 listing?

25 A. Well, because it's already on

1 N. NOVOCIN

2 the back of the thing. You are trying to
3 give as many factual information as
4 possible. So the name was there. It's
5 signed on the front. You want to include
6 those things. People do tend to like to
7 buy something that has a name associated
8 with some way. If you can find some
9 information about that person, they like to
10 know that.

11 Q. Back when you posted the
12 listing in 2012, did you know any of the
13 prices for which artist Annamarie Trombetta
14 may have previously sold any of her
15 artwork?

16 A. No.

17 Q. Did you know whether or not
18 artist Annamarie Trombetta was commercially
19 successful at all?

20 A. No.

21 Q. Did you know whether or not
22 that name had any recognition in the art
23 market whatsoever?

24 A. No.

25 Q. So the reason you mentioned

1 N. NOVOCIN

2 Ebay?

3 A. No.

4 Q. Did somebody else at Estate
5 Auctions, Inc. take such photographs?

6 A. Yes.

7 Q. Is Estate Auctions, Inc.
8 currently in possession of any such
9 photographs?

10 A. No.

11 Q. You mentioned that Estate
12 Auctions, Inc. is currently a defunct
13 entity; is that right?

14 A. Correct.

15 Q. That's a hypothetical. If
16 Estate Auctions, Inc. had records
17 previously, where would they currently be
18 kept, if at any location?

19 A. We kept them on the cloud,
20 which is a cloud for a server at a location
21 outside of our own property. We still keep
22 records of photos and everything else on a
23 server outside of our own property, but a
24 few years ago, long after 2012, we were
25 notified by a company that kept all of our



Annamarie Trombetta <atrombettaart@gmail.com>

Increased Attorneys' Fees

1 message

Anderson Duff <ajd@hoganduff.com>

Wed, Nov 23, 2022 at 1:06 PM

To: Annamarie Trombetta <annamarietrombettalegal@outlook.com>, Annamarie Trombetta <atrombettaart@gmail.com>

Cc: "Farmer, Jana S." <Jana.Farmer@wilsonelser.com>, "Haimson, Nicole" <Nicole.Haimson@wilsonelser.com>, "Bialek, Adam" <Adam.Bialek@wilsonelser.com>

Ms. Trombetta:

Because you do not seem to understand the severity of the situation you have created, I am again writing to remind you that my clients will be seeking an award of attorneys' fees under § 505 of the Copyright Act and/or because you rejected my clients' offer of judgment. For your information, today's conference added roughly \$1,500 in attorneys' fees for my clients alone.

Best,

-Anderson-

646.450.3607

HoganDuff.com

EXHIBIT
19

Original Message

Original Message

EXHIBIT # 19 (1)

Message ID: <PH7PR12MB653872BE7471AD8AE380F2B5AB0C9@PH7PR12MB6538.namprd12.prod.outlook.com>

Created at: Wed, Nov 23, 2022 at 1:06 PM (Delivered after 2 seconds)

From: Anderson Duff <ajd@hoganduff.com>

To: Annamarie Trombetta <annamarietrombettalegal@outlook.com>, Annamarie Trombetta <atrombettaart@gmail.com>

Subject: Increased Attorneys' Fees

SPF: SOFTFAIL with IP 209.85.220.41 [Learn more](#)

DKIM: 'PASS' with domain hoganduff-com.20210112.gappssmtp.com [Learn more](#)

[Download Original](#)[Copy to clipboard](#)

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 Wed, 23 Nov 2022 10:06:32 -0800 (PST)
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 Wed, 23 Nov 2022 10:06:32 -0800 (PST)
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Original Message

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spf=softfail (google.com: domain of transitioning ajd@hoganduff.com
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for <atrombettaart@gmail.com>
(Google Transport Security);
Wed, 23 Nov 2022 10:06:32 -0800 (PST)

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Wed, 23 Nov 2022 10:06:32 -0800 (PST)
Return-Path: <ajd@hoganduff.com>
Received: from PH7PR12MB6538.namprd12.prod.outlook.com
([2603:1036:30c:861::5])

EXHIBIT
#19(2)

Original Message

by smtp.gmail.com with ESMTPSA id b8-
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 (version=TLS1_2 cipher=ECDHE-ECDSA-AES128-GCM-SHA256 bits=128/128);
 Wed, 23 Nov 2022 10:06:31 -0800 (PST)
 From: Anderson Duff <ajd@hoganduff.com>
 To: "'Annamarie Trombetta'" <annamarietrombettalegal@outlook.com>,
 "'Annamarie Trombetta'" <atrombettaart@gmail.com>
 CC: "Farmer, Jana S." <Jana.Farmer@wilsonelser.com>, "Haimson, Nicole"
 <Nicole.Haimson@wilsonelser.com>, "Bialek, Adam"
 <Adam.Bialek@wilsonelser.com>
 Subject: Increased Attorneys' Fees
 Thread-Topic: Increased Attorneys' Fees
 Thread-Index: AQHY/2ZP2cQhYn3r+0ix++bTkSeiw==
 X-MS-Exchange-MessageSentRepresentingType: 1
 Date: Wed, 23 Nov 2022 18:06:30 +0000
 Message-ID:
 <PH7PR12MB653872BE7471AD8AE380F2B5AB0C9@PH7PR12MB6538.namprd12.prod.outlook
 .com>
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 Content-Language: en-US
 X-MS-Has-Attach:
 X-MS-Exchange-Organization-SCL: -1
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EXHIBIT

#19(3)

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 Content-Transfer-Encoding: quoted-printable

Ms. Trombetta:

Because you do not seem to understand the severity of the situation you
 hav=
 e created, I am again writing to remind you that my clients will be
 seeking=
 an award of attorneys=92 fees under =A7 505 of the Copyright Act and/or
 be=
 cause you rejected my clients=92 offer of judgment. For your information,
 t=
 oday=92s conference added roughly \$1,500 in attorneys=92 fees for my
 client=
 s alone.

Best,

-Anderson-
 646.450.3607
 HoganDuff.com

--_000_PH7PR12MB653872BE7471AD8AE380F2B5AB0C9PH7PR12MB6538nampr_
 Content-Type: text/html; charset="Windows-1252"
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Original Message

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</o:p></span></p>
<p class=3D"MsoNormal"><span style=3D"font-size:11.0pt"><o:p>&nbsp;</o:p>
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span></p>
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=
seem to understand the severity of the situation you have created, I am
aga=
in writing to remind you that my clients will be seeking an award of
attorn=
eys=92 fees under =A7 505 of the Copyright
Act and/or because you rejected my clients=92 offer of judgment. For your
=
information, today=92s conference added roughly $1,500 in attorneys=92
fees=
for my clients alone.
<o:p></o:p></span></p>
<p class=3D"MsoNormal"><span style=3D"font-size:11.0pt"><o:p>&nbsp;</o:p>
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pan></p>
<p class=3D"MsoNormal"><span style=3D"font-size:11.0pt"><o:p>&nbsp;</o:p>
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EXHIBIT

#19(4)

8/2/2023

Original Message

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<p></p>
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<p class=3D"MsoNormal">HoganDuff.com<o:p>
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/o:p></p>
<p class=3D"MsoNormal"><o:p> </o:p>
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--_000_PH7PR12MB653872BE7471AD8AE380F2B5AB0C9PH7PR12MB6538namp_--

EXHIBIT
19(5)